

5 SEP 1963

Honorable Emanuel Celler
Chairman
Committee on the Judiciary
House of Representatives
Washington 25, D.C.

Dear Mr. Chairman:

This is in response to your request for this Agency's views on H.R. 4158, a bill to enact title 5, United States Code, "Government Organization and Personnel," codifying the general and permanent laws relating to the organization of the Government of the United States and to its civilian officers and employees.

We have followed with interest the development of this proposed legislation and have, in fact, worked with other branches of the Government in the development of a specific legislative proposal. We are in agreement with the objectives of this legislation and have only the following comments on the substance of H.R. 4158:

- a. Page 113, section 5344(a). The second "is" in the first line should doubtless be changed to "in" to read "increase in rates";
- b. Page 123, Subchapter III. We feel that the title to this Subchapter "Advancement and Allotment of Pay in Evacuations" is too restrictive and probably misleading since it implies advancement and allotment only under evacuation conditions. This Subchapter actually deals with allotment and assignment of pay "for such purpose as the head of the agency considers appropriate." It is recommended, therefore, that the title to this Subchapter be amended to read "Advancement, Allotment and Assignment of Pay."

- c. Page 166, section 5941(a). In order to broaden applicability of the paragraph to encompass agencies such as the Central Intelligence Agency, a phrase is recommended for addition so that this paragraph will read as follows: (The recommended phrase is underscored.)

"(a) Appropriations or funds available to an Executive agency except a Government controlled corporation, for pay of employees stationed outside the continental United States or in Alaska whose rates of basic pay are fixed by statute or whose rates of compensation are fixed by administrative action pursuant to law, are available for allowances to these employees..."

This addition was included on page 163, section 5922(a)(2) but was apparently overlooked in section 5941(a).

It is our opinion, that in drafting H. R. 4158 the Office of the General Counsel of the Civil Service Commission and the House Committee on the Judiciary have performed a service which will be of lasting and far-reaching benefit throughout the Federal Government.

The Bureau of the Budget has advised that it has no objection to the submission of this report from the standpoint of the Administration's program.

Sincerely,

John S. Warner
Legislative Counsel

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